

GOVERNMENT OF THE DISTRICT OF COLUMBIA
BOARD OF ZONING ADJUSTMENT



Application No. 12998 of Llewellyn Thompson, pursuant to Paragraph 8207.11 of the Zoning Regulations, for a variance from the prohibition against adding to a non-conforming structure which exceeds the allowable percentage of lot occupancy (Paragraph 7107.21) to allow a rear addition (terrace and fenced enclosure) to a flat in an R-4 District at the premises 155 11th Street, N.E., (Square 988, Lot 61)

HEARING DATE: July 25, 1979

DECISION DATE: August 8, 1979

FINDINGS OF FACT:

1. The subject property is located at the southeast corner of 11th Street & Constitution Avenue in an R-4 Zone District. The premises are known as 155 11th Street, N.E.

2. The subject property is presently improved with a two story and basement brick row dwelling.

3. The applicant proposes the addition of a terrace at the rear of the structure. This terrace would be less than four feet above grade, and would be below the level of the main floor of the existing structure.

4. The structure meets the lot width and rear yard requirements of the R-4 zone district. Because the proposed terrace is below the level of the main floor, the addition does not increase the percentage of lot occupancy. The present structure was built prior to the adoption of the present Zoning Regulations, and now exceeds the allowable lot occupancy.

5. The R-4 zone also requires a minimum lot area of 1800 square feet. The applicant's lot area is 1539 square feet, and is therefore substandard.

6. The present structure exceeds the lot occupancy by forty square feet. The proposed addition does not increase the lot coverage.

7. There was no report from Advisory Neighborhood Commission 6A on this application.

8. There was no opposition to the granting of this application.

CONCLUSIONS OF LAW AND OPINION:

Based on the foregoing Findings of Fact and the evidence of record, the Board concludes that the requested variance is an area variance, the granting of which requires the showing of a practical difficulty upon the owner arising out of the property. The Board concludes that the lot size at the time of the adoption of the Zoning Regulations and the existing structure on the lot create such a difficulty. The Board notes that the addition does not increase the lot occupancy and will not be visible from the street. The Board further concludes the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose and integrity of the zone plan as embodied in the Zoning Regulations and map. Accordingly, it is hereby ORDERED that this application is APPROVED.

VOTE: 4-0 (Chloethiel Woodard Smith, William F. McIntosh, Charles R. Norris and Leonard L. McCants to grant)

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY: _____



STEVEN E. SHER
Executive Director

FINAL DATE OF ORDER: 9 OCT 1979

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF LICENSES, INVESTIGATIONS, AND INSPECTION